



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	ATION NO. FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/099,994	03/19/2002	Akitoyo Konno	500.41513X00	5622	
20457	7590 04/27/2004	EXAMINER			
	LI, TERRY, STOUT &	DHARIA, PR	DHARIA, PRABODH M		
1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			ART UNIT	PAPER NUMBER	
			2673		
			DATE MAILED: 04/27/2004	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

		A	- No	Applicant(s)				
. Office Action Summary		Application						
		10/099,99	94	KONNO ET AL.				
		Examine		Art Unit				
		Prabodh N	/I Dharia	2673				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) 又	Responsive to communication(s) filed on 19	March 2002.						
	<u> </u>	nis action is n	on-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
5)□ 6)□ 7)□ 8)⊠	4) Claim(s) 1-61 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-61 are subject to restriction and/or election requirement.							
Applicati	on Papers							
9) The specification is objected to by the Examiner.								
10)⊠ The drawing(s) filed on <u>19 March 2002</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☒ All b) ☐ Some * c) ☐ None of: 1. ☒ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
Attachmen	(a)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5. Paper No(s)/Mail Date 6.								

Application/Control Number: 10/099,994

Art Unit: 2673

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept.

The species are as follows:

Figs. 1, 5-8 constitutes Species 1

Figs. 9 constitutes Species 2

Fig. 10A, 10B, 11, 27A, 27B, 28A-34 constitutes Species 3

Fig. 12-17 constitutes Species 4

Fig. 18-20 constitutes Species 5

Fig. 21,22 constitutes Species 6

Fig. 23 constitutes Species 7

Fig. 24,25 constitutes Species 8

2. Applicant is required under 35 U.S.C. 121, in reply to this action, to elect a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently there is no generic claim.

Application/Control Number: 10/099,994

Art Unit: 2673

- 3. The applicant is advised that a reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.
- 4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
- 5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variant or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in rejection under 35 U.S.C. 103(a) of the other invention.
- 6. The species listed above do not relate to a single general inventive concept, the species lack the same or corresponding special technical features for the following reasons: they do not teach same or similar limitation.

Page 4

Application/Control Number: 10/099,994

Art Unit: 2673

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 703-605-1231. The examiner can normally be reached on M-F 8AM to 5PM.

- 8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-3054938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- 9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

PD

AU2673

April 19, 2004

VIJAY SHANKAF

Ahm M